

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1 and 6-10 are pending in this application. Claims 2-5 were previously canceled without prejudice or disclaimer.

The outstanding Office Action presented a rejection of Claims 1 and 6-10 under 35 U.S.C. §102(e) as being anticipated by Inokuchi et al. (U.S. Patent No. 6,172,952, Inokuchi).

The rejection of Claims 1 and 6-10 under 35 U.S.C. § 102(e) as being anticipated by Inokuchi, is traversed because, *inter alia*, independent Claim 1 recites that it is the system controller means that produces the wobble enable signal to control a PLL circuit to provide an unchanging synch signal not subject to wobble disturbance conditions under three specified conditions. In this regard, the system controller means of Claim 1 that produces the wobble enable signal performs this function when it is also controlling the switching of the recording/reproducing apparatus between at least one of recording and reproducing operations, when it is controlling the servo circuit means to move the head means to a desired address position on the optical disc, and when the wobble-signal processing means otherwise does not provide a wobble signal extracted from the signal the head means obtains from the wobbling spiral groove. In addition, independent Claim 1 (as well as independent Claims 6 and 9) specifies that the system controller must also provide control of the recording/reproducing apparatus including the control of a servo circuit controlling a seek operation to move the head of the recording/reproducing apparatus so as to jump tracks of the optical disk.

The outstanding Action does not explain how the reproduced signal/servo signal detection circuit 4 of Inokuchi can be reasonably said to cooperate with the recording signal

generating circuit 8 of Inokuchi to generate anything when switching the recording/reproducing apparatus between at least one of recording and reproducing operations as Claim 1 specifies, much less how the reproduced signal/servo signal detection circuit 4 and the recording signal generating circuit 8 of Inokuchi are disclosed to produce the Claim 1 wobble enable signal to be applied to the PLL circuit. Similarly, the outstanding Action does not reasonably explain how detection circuit 4 and the recording signal generating circuit 8 of Inokuchi are disclosed to cooperate together and with the focusing/tracking control section 10 to together produce the wobble enable signal to control the PLL circuit to provide an unchanging synch signal not subject to wobble disturbance conditions under three specified conditions.

In this regard, and as noted in the last response, while Inokuchi teaches controlling a PLL circuit to provide an unchanging sync signal during a wobble signal disturbance period, this control is performed under control of abnormal jump detector circuitry 22 that detects a low level of the digitized wobble signal of FIG. 5B at each of the rising edges (d)-7, (d)-9, and (d)-11. This abnormal jump detector circuitry 22 is clearly not taught or suggested by Inokuchi to be a part of any of the separate and distinct reproduced signal/servo signal detection circuit 4, the recording signal generating circuit 8, or the focusing/tracking control section 10.

It is well settled that reference teachings cannot be viewed in the abstract. "Rather, they must be considered in the context of the teaching of the entire reference." In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). Kotzab, id., further points out that "a rejection cannot be predicated on the mere identification in [a reference] of individual components of claimed limitations" and requires that "particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components

for combination in the manner claimed.”

Instead of this showing of the required reason why the artisan would have selected and somehow combined the separate elements (4, 8), 10, and 22 of Inokuchi into an actual system controller means for performing all of the Claim 1 recited functions, the outstanding Action simply notes these individual components in paragraphs (c), (d), (e), (g), (h), and (i)-(k), and mischaracterizes circuits 4, 8 as being the Claim 1 system controller means in paragraph (c), control section 10 as being the Claim 1 system controller means in paragraph (d), and abnormal jump detection circuit 22 as being the Claim 1 system controller means in paragraphs (g) and (h).

However, circuits 4, 8, and 22 are not disclose or suggested by Inokuchi to be combined with each other or with control section 10 to provide a true system controller means that could control the recording/reproducing apparatus including the servo circuitry, while also controlling the switching of the recording/reproducing apparatus between at least one of recording and reproducing operations while and further producing the Claim 1 wobble enable signal.

Absent any teaching or suggesting of this claimed system controller means arrangement by Inokuchi, there is clearly no anticipation. See In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990); Lindemann Maschinen Fabrik GMBH v. American Hoist & Derrick Co., 221 USPQ 481 (Fed. Cir. 1984); Ex parte Gould, 6 USPQ2d 1680 (Bd. Pat. App. & Int. 1987); and Ex parte Osmond, 191 USPQ 334 (Bd. Pat. App. & Int. 1973).

In this last respect, even if the output from 22 goes to other elements, like 6-9 and 18 as noted on page 2 of the outstanding Action, this does not teach an arrangement in which a

common circuit performs the functions of the separate elements (4, 8), 10, and 22 that are incorrectly asserted to be each separately readable as the Claim 1 “system controller means” in paragraphs (c), (d), (g), and (h), for example.

Moreover, paragraphs (e) and (i) are in conflict with paragraph (c), for example, in suggesting that the reproduced signal/servo signal detection circuit 4 being read as part of the Claim 1 “system controller means” can be simultaneously interpreted to be the Claim 1 “wobble-signal processing means.” Similarly, the outstanding Action incorrectly suggests that 22 can be read as the “system controller means” (see paragraph (k), for example), while also being read as the wobble enable signal (see paragraph (j) for example).

Besides these unreasonable interpretations, the outstanding Action makes statements having no support in the disclosure of Inokuchi. For example, paragraph (g) asserts that Fig. 1 of Inokuchi in some way teaches that “abnormal jump detection means (apparently the abnormal jump detection circuit 22 that detects track jumps) always produces a signal especially during the switching of recording/reproducing operations.”

However, Inokuchi discloses that the PLL circuit is not always providing synchronization. For example, during a recording operation the PLL circuit synchronization is not started until the gate signal generator 12 provides a read gate signal. Thus, the assertion that there would be a substitute synchronization provided while switching from the reproduce to the record operation, that is clearly at a time before the read gate signal generator 12 activates the read gate signal, makes no sense. Therefore there is no teaching of providing any wobble enable signal when switching between reproducing and recording functions.

In any event, the disclosure in Inokuchi being relied upon for the assertion of paragraph

(g) of the outstanding Action that Inokuchi teaches “abnormal jump detection means,” apparently the abnormal jump detection circuit 22 that detects track jumps, that “always produces a signal especially during the switching of recording/reproducing operations” must be set forth, not merely assumed to be present. See In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (“When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.”).

Independent Claim 6 is an independent method claim closely paralleling independent apparatus Claim 1 while independent Claim 9 is an independent apparatus claim that closely parallels Claim 1 but does not invoke the sixth paragraph of 35 U.S.C. §112 as the terms “means for” are not used. Thus, the arguments made above as to Claim 1 also apply to Claims 6 and 9 and the rejection of Claims 6 and 9 under 35 U.S.C. §102(e) as being anticipated by Inokuchi is also traversed for the reasons noted above as to Claim 1 subject matter.

As Claim 7 depends on Claim 1, Claim 8 depends on Claim 6, and Claim 10 depends on Claim 9, these dependent claims are also believed to patentably define over Inokuchi for the reasons noted above as to these independent claims. In addition, as each of Claims 7, 8, and 10 require that an input gate of the PLL circuit must receive the wobble enable signal from the system controller or system controller means along with receiving the wobble signal and no such disclosure or suggestion of an input gate of the PLL circuit that receives such signals appears in Inokuchi contrary to the suggestion of paragraph (k) of the outstanding Action. In this regard, paragraph (k) of the outstanding Action seeks to divorce the detection circuit 4 from the system controller it now characterizes as being just the abnormal jump detection means 22 that only detects track jumps and only provides an output during these track jumps.

Furthermore, a “charge pump,” like “charge pump” 18 of Inokuchi, is not a “gate” under any standard definition applied to either device. The courts require that the plain meanings to the artisan of the claim language being used cannot be ignored. See In re Cortright, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999):

Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in the art would reach. *See In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997) (“[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art”)

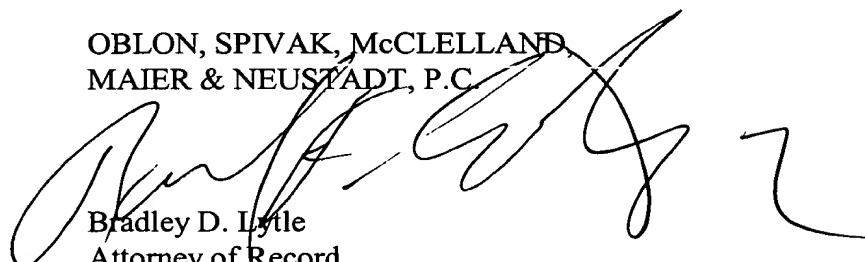
Consequently, the rejection of dependent Claims 7, 8, and 10 as being anticipated by Inokuchi is traversed for these reasons as well.

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In light of the foregoing, it is believed that this application is clearly in condition for formal allowance. Accordingly, an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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